UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,989	01/07/2002	Robert J. Manard	D/A1167 XER 2 0448	4794

7590 07/12/2005

Mark S. Svat
Fay, Sharpe, Fagan, Minnich & McKee, LLP
7th Floor
1100 Superior Avenue
Cleveland, OH 44114-2518

EXAMINER	
FOULADI SEMNANI, FARANAK	

ART UNIT	PAPER NUMBER
2674	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/040,989	MANARD ET AL.	
	Examiner	Art Unit	
	Faranak Fouladi	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-12,15-18 and 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-12,15-18 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: application, filed on 01/07/02; IDS filed on 01/07/02; IDS filed on 2/14/02; amendment filed on 08/02/04.
2. Claims 1-3, 6-12, 15-18 and 21 are pending in the case, with claims 1, 10 and 17 being independent.
3. Claims 4,5,13,14,19 and 20 have been canceled.
4. Claim 21 is new.
5. The present title of the application is "Pixel color map operator interface" (as originally filed).
6. **THIS ACTION IS MADE FINAL.**

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 6-12, 15-18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5,737,553 to Bartok and further in view of US 6,269,403 to Anders.

7. Independent claims 1, 10 and 17 are rejected as follows:

- Regarding independent claim 1 "A computer system performing interactive commands, comprised of:

an input responsive to an operator action (Bartok discloses in Fig. 1, col. 1 line 20-25 and col. 5 line 24-30 keyboard 18 and mouse 20 (input responsive to an operator action),

an output for performing a computer program function (output ports 34 for connecting to various output devices in addition to display 14),

an operator graphical interface including a pixel color map supported on the computer system, displayed on a computer monitor display screen and being engaged by the operator via the input configured to selectively activate a sensitive region on the display screen, wherein the operator graphical interface uses Java applets with JPEG and GIF bitmaps (Bartok discloses in Fig. 2, Fig. 4, abstract line 7-10 and in col. 4 lines 32-40 an operator graphical interface and a pixel color map, it further discloses in col. 3 lines 20-34 "*Maps may be stored in a memory device configured to link a template of hot spot objects to a display of pixels, each pixel of the display to a color, and each color to a definition of a functional object, such as an application or executable statement*".

; and

a location designated in the pixel color map, the location associated with a selected pixel color value which triggers the computer program

function (Bartok discloses in Fig. 4 and in col. 7 line 66- col. 8 line 8 linking each pixel on the screen to a color (each color has a numerical value) and further discloses in col. 9 lines 11-18 mapping each color to a definition that may correspond to a function, a call and executable instruction or code or the like that indicates what step is to be executed by processor in response to the user selection of a hot spot object (desired region).

Although Bartok teaches the operator graphical interface that uses **any object-oriented programming** in col. 6 line 64-67 but it does not explicitly disclose, "the operator graphical interface uses Java applets with JPEG and GIF bitmaps".

Anders discloses in Fig. 13 and in col. 12 line 65 – col. 13 line 20 a browser 230 that supports data transfer using the data format of the of standard TCP and HTTP protocols. The browser 230 includes an unpacker 232 to receive an incoming data stream, from a server 106 (FIG. 1a). The unpacker 232 identifies the data type of an object in the data stream 190 and invokes a data handler 236 to interpret the object data. The data handler 236 is capable of interpreting a wide variety of data types, such as HTML, GIF, JPEG, WAV, ActiveX and Java applets.

It would have been obvious to one of ordinary skill in the art at the time of invention to add the browser of Anders to the operator graphical

user interface of the Bartok to promote its functionality since this combination would permit the use of a wide variety of data types, such as HTML, GIF, JPEG, WAV, ActiveX and Java applets.

- Regarding independent claims 10 and 17, Bartok in combination with Anders teaches the claimed invention as discussed above in rejection of independent claim 1. Furthermore Bartok discloses in col. 9 lines 11-18 mapping each color to a definition that may correspond to a function, a call and executable instruction or code or algorithm or the like that indicates what step is to be executed by processor in response to the user selection of a hot spot object (desired region). Thus, from this teaching it is clear that if two separate pixels have the same color value then both of them are mapped to that color and selection of the either one of them will activate the same function or executable instruction or the like since each color is mapped to a function.

8. Regarding dependent claim 2, "The computer system according to claim 1, wherein the operator graphical interface includes files selected from the group of a GIF file, a JPEG file, an HTML file, and an off-screen file" Bartok discloses in col. 5 line 34-35 "the graphics card 40 may support bit-mapped graphics". (GIF, graphics interchange format, is a bit-mapped graphics file format and HTML file supports links to other documents, as well as graphics used by the World Wide Web that is also supported by the graphics card of Bartok.)

9. Regarding dependent claim 3, "The computer system according to claim 1, wherein the input means is a computer mouse, a trackball, or a keyboard, whereby the operator interface program samples and processes signals from the input means." Bartok discloses in Fig. 1, col. 1 line 20-25 and col. 5 line 24-30 keyboard 18 and mouse 20 (input responsive to an operator action) and further discloses in col. 9 lines 14-18 the operator interface program processes signals from the input means.

10. Regarding dependent claims 6, 16 and 18, where dependent claims 6 and 16 claims "... wherein the computer program function performs diagnostics" and dependent claim 18 claims "...wherein said algorithm performs system diagnostics" Bartok discloses in col. 6 line 64 – col. 7 line 4:

> "each hot spot may be created as a graphical object 58 within the meaning of graphical objects within the programming arts for object-oriented programming. Opening each hot spot object 96 by a user may then be made to correspond to some function, call, feature, application, executable instruction, or other response in the processor 22 desired by a user to be activated upon designation or opening of the hot spot object 96."

Since the definition of algorithm is "a set of instructions that combine to accomplish a task" (for example, Computer codes are algorithms) therefore

examiner interprets the "executable instruction" or "application" of Bartok to be the algorithm that performs system diagnostics.

Diagnostics is a broad term and it is covered under the discloser of Bartok as well.

11. Regarding dependent claims 7 and 15, "... the pixel color map is an off-screen bitmap" Bartok discloses in col. 8 line 23-27 the pixel color map that is an off-screen bitmap.

12. Regarding dependent claims 8 and 11, "...wherein an algorithm is mapped to a specific pixel color value and performs a particular computer program function" Bartok discloses in col. 6 lines 64 – col. 7 line 4, and in col. 9 line 14-23 a function, a call, and executable instruction or code is mapped to a specific pixel color value and performs a particular computer program function.

Algorithm is a broad term and it could be done by a function or a set of functions and therefore is disclosed by Bartok as mentioned in item 11 above.

13. Regarding dependent claims 9, 12 and 21, "...wherein a plurality of algorithms are mapped to a plurality of pixel color values" Bartok discloses in col. 9 line 12-13 "each color number 134 may be mapped to a definition 135 by a map 104. That is, a map 104 may contain a list 136 of colors 134 linked to a list 138 of definitions 135. Each definition 135 may correspond to a function, a call, and

executable instruction or code, a location within an executable program, or the like, indicating what step is to be executed by the processor 22 in response to a selection or opening of a hot spot object 96 designated by a cursor 15."

Response to Arguments

14. Applicant's arguments, see page 6 line 23, filed 07/29/2004, with respect to specification have been fully considered and are persuasive. The objection of specification has been withdrawn.

15. Applicant's arguments, see page 6 last paragraph- page 8 first paragraph, filed 07/29/2004, with respect to claims 1-3, 6-12, 15-18 have been fully considered and are persuasive. The 35 U.S.C. § 112, first paragraph rejection of claims 1-3, 6-12, 15-18 has been withdrawn.

16. Applicant's arguments, see page 8 second paragraph –page 9, filed 07/29/2004 have been fully considered but they are not persuasive.

17. Applicant argues in the second paragraph of page 8 that "nowhere in Bartok does it teach or fairly suggest the use of Java applets with JPEG and GIF bitmaps in an operator interface program as now set forth in claims 1 and 17." Examiner disagrees.

Applicant has specified in page 2 paragraph [0007] last 2 lines and in page 6 last 3 lines that although the claimed invention is reduced to practice using Java applets with JPEG and GIF bitmaps **but other programming languages will yield the same results** and Bartok also teaches the operator graphical user interface that uses any object oriented programming in col. 6 line 64-67. Since Bartok does not explicitly disclose the use of Java applets with JPEG and GIF bitmaps in an operator interface program, it is now used in combination with the Anders' reference as set forth in aforementioned rejection of independent claim 1(item # 7 above).

18. Applicant argues in the third paragraph of page 8 that "...Bartok neither teaches nor fairly suggest that diagnostics be performed as the computer program functions or applications as recited in dependent claims 6, 16 and 18." Examiner disagrees. Bartok discloses in col. 6 line 66 – col. 7 line 4 "Opening each hot spot object 96 by a user may then be made to correspond to some function, call, feature, application, executable instruction, or other response in the processor 22 desired by a user to be activated upon designation or opening of the hot spot object 96." Diagnostics is a broad term and it is covered under the discloser of Bartok (as mentioned above).

19. Applicant argues in the forth paragraph of page 8 that "...if a more complex image is desired where certain regions dispersed from each other are to activate

the same program, this capability is taught in the present application. Such a concept is not taught or fairly considered in the cited reference." Examiner disagrees. Bartok discloses in Fig. 4 and in col. 7 line 66- col. 8 line 8 linking each pixel on the screen to a color (each color has a numerical value) and it discloses in col. 9 lines 11-18 mapping each color to a definition that may correspond to a function, a call and executable instruction or code or the like that indicates what step is to be executed by processor in response to the user selection of a hot spot object (desired region), and from this teaching it is clear that if two separate pixels have the same color value then both of them are mapped to that color and selection of the either one of them will activate the same function or executable instruction or the like since each color is mapped to a function. Bartok further discloses in col. 14 lines 12-15 "The color map system provides a system of hardware that may present to a user an image, and facilitate designation of any portion of the image, in virtually any geometry, as a hot spot for launching functional objects."

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 4,847,604, this invention uses object-oriented color map processing to allow individual color index ranges within paletted images to have object identities and therefore is an efficient means for defining

irregular hotspots on images rather than the ISMAP* function of the World Wide Web, which uses polygon outlines to define objects in images.

(*ISMAP: A Web page feature in which hyperlinks are assigned or "mapped" to different portions of a graphic image. Users access links by using a mouse to click on mapped areas. ISMAP requests are processed by common gateway interface (CGI) scripts on the server.)*

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faranak Fouladi whose telephone number is **(571) 272-7689**. The examiner can normally be reached on Mon-Fri from 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Patrick Edouard** can be reach at **(571) 272-7603**.

Any response to this action should be mailed to:

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to: 703-872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to:

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is **(571) 272- 2600**.

PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER

Faranak Fouladi

Patent Examiner
Art Unit 2674
June 29, 2005